

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF TEXAS
3 MIDLAND-ODESSA DIVISION

4 UNITED STATES OF AMERICA) Docket No. Mo 17-CR-136(2) DC
5)
6 vs.) Midland, Texas
7)
8 SARA EUGENIA GALLEGOS) January 29, 2018

9 TRANSCRIPT OF REARRAIGNMENT/PLEA
10 BEFORE THE HONORABLE B. DWIGHT GOAINS
11
12
13

14 APPEARANCES:

15 For the United States: Ms. Brandi Young
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22 For the Defendant: Mr. Aaron E. Eckman
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Proceedings reported by electrical digital sound recording,
transcript produced by computer.

1 (Proceedings commence at 4:10 p.m.)

2 THE CLERK: The Court calls: Midland 17-CR-136, The
3 United States of America vs. Sara Eugenia Gallegos.

4 MS. YOUNG: Brandi Young on behalf of the United
5 States.

6 MR. ECKMAN: Aaron Eckman on behalf of Ms. Gallegos.

7 THE COURT: And what was the last name, sir?

8 MR. ECKMAN: Aaron Eckman.

9 THE COURT: Ackman?

10 MR. ECKMAN: Eckman.

11 THE COURT: Eckman.

12 MR. ECKMAN: Good to see you, sir.

13 THE COURT: See, your name's not on the docket.

14 That motion to substitute was filed, though, right, and
15 signed?

16 MS. YOUNG: Yes, your Honor. Mr. Parras was allowed to
17 withdraw.

18 THE COURT: Okay.

19 MS. YOUNG: He was initially retained, and that's
20 already been assigned appointing Mr. Eckman through CJA.

21 THE COURT: Okay. Very good.

22 All right. We need to arraign her first on this
23 superseding indictment.

24 Are you Ms. Gallegos?

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: There's been a superseding indictment filed
2 against you in MO 17-CR-136.

3 The grand jury charges in Count 1: That on or about
4 June the 19th, 2017, in the Western District of Texas, that you
5 and others, aided and abetted, unlawfully, knowingly and
6 intentionally possessed with intent to distribute a controlled
7 substance which involved 50 grams or more of actual
8 methamphetamine, violation of Title 21, United States Code,
9 Section 841(a)(1) and 841(b)(1)(A), Title 18, United States Code,
10 Section 2.

11 Do you understand what you're being charged with in
12 Count 1?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: The full range of punishment on Count 1 is
15 a minimum of 10 years imprisonment to a maximum of life
16 imprisonment, five years -- minimum of five years to life
17 supervised release, up to a \$10 million fine, and \$100 special
18 assessment.

19 Do you understand your full range of punishment on
20 Count 1?

21 THE DEFENDANT: Yes, your Honor.

22 THE CLERK: Can you just speak up into --

23 THE DEFENDANT: Yes.

24 THE COURT: Count 2, states that on or about June the
25 19th, 2017, in the Western District of Texas, that you, aided and

1 abetted by others, did intentionally and knowingly possess
2 firearms, to wit: a .38 Special Taurus Revolver, Raven Arms .25
3 automatic handgun, a Jimenez .380 caliber handgun, and a Colt
4 1911 handgun, .45, CN Romarm, AK 7.62-by-39, and an AR-15,
5 bearing Serial Number 15188305, in furtherance of the
6 drug-trafficking crime set forth in Count 1 and 3 of this
7 indictment, which drug-trafficking counts are incorporated by
8 reference herein as if set forth, in violation of Title 18,
9 United States Code, Section 924(c) and Title 18, United States
10 Code, Section 2.

11 Do you understand what you're being charged with in
12 Count 2?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Now, Count 2 is a mandatory five years of
15 imprisonment to run consecutively with the -- whatever sentence
16 you get on Count 1 plus three years of supervised release and
17 \$100 special assessment.

18 Do you understand your full range of punishment on
19 Count 1 -- 2?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. You gotta speak up.

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: All right. Count 3, that beginning on or
24 about December the 1st, 2016 and continuing to on or about June
25 the 19th, 2017, in the Western District of Texas, the Northern

1 District of Texas and elsewhere, you did combine, conspire,
2 confederate and agree with others, known and unknown to the grand
3 jury, to possess with intent to distribute a controlled
4 substance, which offense involved 50 grams or more of actual
5 methamphetamine.

6 Do you understand what you're being charged with in
7 Count 3?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Full range of punishment on Count 3, again,
10 is a minimum of 10 years imprisonment to life imprisonment, a
11 minimum of five years supervised release up to life supervised
12 release, up to \$10 million fine, and \$100 special assessment.

13 Do you understand your full range of punishment on
14 Count 3?

15 THE DEFENDANT: That's the one that's going to be
16 dismissed?

17 THE COURT: Gotta speak up.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. Count 4, that on or about June
20 the 19th, 2017 in the Western District of Texas, you, having been
21 convicted of a crime punishable by imprisonment for a term
22 exceeding one year, namely, for the felony offense of transport
23 or sell of dangerous drugs in Cause No. CR-2009-008280002, on or
24 about February the 17th, 2010 in the Superior Court, State of
25 Arizona, County of Maricopa, RCC Downtown, did knowingly possess

1 in and affecting commerce, to-wit: a Raven Arms, .25 automatic
2 handgun, Jimenez .380 caliber handgun, and a Colt 1911 handgun,
3 which had all been shipped and transported in interstate and
4 foreign commerce in violation of federal law.

5 Let me get the range of punishment on that.

6 MS. YOUNG: Your Honor, I believe it's no mandatory
7 minimum, a term of imprisonment not to exceed 10 years.

8 THE COURT: Okay.

9 MS. YOUNG: Maximum term of three years of supervised
10 release, a fine not to exceed \$250,000, and a \$100 special
11 assessment.

12 THE COURT: Okay. Do you understand that full range of
13 punishment as read by the U.S. Attorney?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: All right. Have you received a copy of
16 this superseding indictment?

17 THE DEFENDANT: Uh-huh. Yes.

18 THE COURT: Have you had an opportunity to go over this
19 superseding indictment with your attorney?

20 THE DEFENDANT: Yes, I did. Just this part.

21 THE COURT: All right. For the purpose of this part of
22 the hearing, I'm going to enter a plea of not guilty for you.
23 It's my understanding you're going to enter a plea per plea
24 agreement on the superseding indictment?

25 THE DEFENDANT: Yes, your Honor?

1 THE COURT: Okay. Are we ready to go forward with
2 that?

3 MS. YOUNG: I believe we are, your Honor. There's a
4 couple of housekeeping matters that I think we need to take up
5 just for the Court.

6 THE COURT: Okay.

7 MR. ECKMAN: And first, your Honor, I want to answer a
8 question that Ms. Gallegos had.

9 THE COURT: Okay.

10 MR. ECKMAN: If I could just have one second.

11 THE COURT: Let me take a few minutes.

12 MR. ECKMAN: All right. Thank you, your Honor.

13 THE COURT: You're welcome, sir.

14 MS. YOUNG: If it may please the Court.

15 Ms. Gallegos, as stated, previously was represented.
16 She had retained counsel. Mr. Parras represented Ms. Gallegos
17 four or five-month period of time. At the last status
18 conference, prior to the motions to withdraw, an offer was
19 extended by the government to plead to a lesser-included offense
20 of Count 1 and the firearms. That offer expired and it was
21 stated so forth on the record. There was a record of that when
22 Ms. Gallegos was represented by Mr. Parras.

23 Mr. Eckman was then substituted in when Mr. Parras was
24 allowed to withdraw. He did contact my office to see if my
25 office would extend that offer again, and the United States has

1 declined to do that. That offer has expired and is not on the
2 table. But Mr. Eckman did inquire of that. And so, he asked
3 that I inform the Court that he had done that in front of his
4 client. That offer expired and that was stated in open court.

5 Additionally, in negotiations to arrive at this plea
6 agreement, the indictment was superseded as the Court just
7 arraigned Ms. Gallegos on that. The government at this point has
8 foregone the filing of a super -- of a sentencing enhancement
9 information because of Ms. Gallegos' prior drug-trafficking
10 conviction out of Arizona. She could potentially, should the
11 government choose to file that information, be facing a minimum
12 mandatory term of 240 months or 20 years on Counts 1 and 3. As
13 part of the negotiations and what's before the Court, the
14 government has foregone filing that, is not filing that, and
15 cannot be filed after today's hearing. She has to receive notice
16 of that before entering into a plea.

17 THE COURT: Okay.

18 MS. YOUNG: Therefore, the agreement that is before the
19 Court is a plea to Count 1 and Count 2 with the mandatory
20 minimums as the Court read and stated. And that's the status of
21 where we're at today. That's the only offer. There's not going
22 to be another offer. Today's the deadline for this offer. If
23 not, we'll proceed and we'll have our trial setting.

24 THE COURT: Okay. Is that your understanding, Mr.
25 Eckman?

1 MR. ECKMAN: Yes, your Honor.

2 THE COURT: And is that your understanding, Ms.

3 Gallegos?

4 MR. ECKMAN: We're ready, your Honor.

5 THE COURT: Okay. All right.

6 Are you Ms. Gallegos?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Now, you're going to have to speak up.

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: All right. And you're being represented by
11 Mr. Eckman. The government's being represented by Ms. Young.

12 Please raise your right hand, the clerk's going to
13 administer an oath.

14 (Defendant sworn.)

15 THE COURT: All right. Ms. Gallegos, you're now under
16 oath. If you answer any of my questions falsely, you may be
17 prosecuted for perjury or false statement.

18 Do you understand?

19 THE DEFENDANT: Yes.

20 THE COURT: Now, I have before me a consent to the
21 administration of the guilty plea by a United States Magistrate
22 Judge.

23 Did you go over this document with your attorney?

24 Here, I'll read it to you.

25 THE DEFENDANT: Yes.

1 THE COURT: It says, I, Sara Eugenia Gallegos,
2 defendant in this cause, with the advice and counsel of my
3 attorney, hereby consent to be advised of my rights and enter a
4 voluntary plea of guilty before a United States Magistrate Judge.
5 I understand that my plea -- guilty plea is subject to approval
6 and final acceptance by a United States District Judge and that
7 sentencing will be conducted by a United States District Judge.

8 Now, you can go right upstairs and you can plead guilty
9 before the United States District Judge, no problem. But if you
10 want to plead guilty before me, you have to sign this waiver.

11 Is that what you wish to do?

12 THE DEFENDANT: Yes.

13 THE COURT: Is that your signature on the form?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. The Court accepts your written
16 waiver to plead guilty before me.

17 Now, I've been advised that you wish to plead guilty.
18 I believe it's to Count 1 and Count 2 only of the superseding
19 indictment; is that correct?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Now, the charge you're about to plead
22 guilty to is a felony charge, again, therefore, you have the
23 right to enter this guilty plea before the United States District
24 Judge. However, you've consented to plead guilty before me. I'm
25 a United States Magistrate Judge.

1 Have you had sufficient time, Mr. Eckman, to discuss
2 this case with your client, to discuss with her any possible
3 defenses she might have to the charges, as well as her rights?

4 MR. ECKMAN: I have, your Honor.

5 THE COURT: Mr. Eckman, do you believe your client has
6 both a factual as well as a rational understanding of the
7 proceedings against her?

8 MR. ECKMAN: I believe she does.

9 THE COURT: Do you have any doubt as to your client's
10 competency to enter a plea?

11 MR. ECKMAN: I do not, your Honor.

12 THE COURT: And, Mr. Eckman, have you presented all
13 written and formal government offers to your client?

14 MR. ECKMAN: I have.

15 THE COURT: Ms. Young, does the government have any
16 information that would be relevant to defendant's competency to
17 enter a plea?

18 MS. YOUNG: The United States has no information
19 regarding the competence of the defendant and believes she's
20 competent to proceed, your Honor.

21 THE COURT: Ms. Gallegos, have you ever suffered or do
22 you now suffer from any type of mental or physical impairment?

23 THE DEFENDANT: No.

24 THE COURT: Are you under the influence of any type of
25 narcotic drugs or medication?

1 THE DEFENDANT: No.

2 THE COURT: All right. I got a plea agreement. I
3 believe this has already been filed; is that correct?

4 MS. YOUNG: Yes, sir.

5 THE COURT: Let me just go through a little bit of this
6 plea agreement, make sure you understand it. You're going to
7 plead guilty to Counts 1 and 2 of the above-captioned indictment,
8 and that's a superseding indictment now.

9 I read your minimum and maximum penalties, and we'll go
10 through those again here in a few minutes. There's also a
11 factual basis contained in the plea agreement, which we'll ask
12 the U.S. Attorney to read a little later. Now, part of this plea
13 agreement, you've waived your right to appeal.

14 Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: Gotta speak up.

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: All right. And, let's see, also, the
19 government's filed a notice that this is -- to what they call a
20 5K1.1. That means if you give -- if you cooperate, you give
21 information and they accept it, they can recommend to the
22 district judge that he lower your sentence. The judge is not
23 bound by that recommendation, but the most important part is
24 whether you cooperated with the government or not in any type of
25 debriefing, that call is strictly theirs to make.

1 Do you understand?

2 THE DEFENDANT: Yes.

3 THE COURT: So the government's got to recommend that
4 you did cooperate.

5 You're a U.S. citizen; is that correct?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: So there's no immigration consequences.
8 All right.

9 All the other counts in the superseding indictment will
10 be dismissed at the time of sentencing per your plea agreement.
11 Also, we have a waiver of Rule 32 time limits.

12 Did you go over this with your attorney?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Did you understand those waiver -- that
15 waiver?

16 THE DEFENDANT: I -- just to know what the Rule 32 is.
17 I mean, I did understand everything that says.

18 THE COURT: Okay. Let me read -- okay. I'll go over
19 it with you.

20 It says, Rule 32 of the Federal Rules of Criminal
21 Procedure and Rule 32 of the local rules of United States
22 District Court for the Western District of Texas specify time
23 limits for the disclosure and submission of the presentence
24 report. The defendant and government have been apprised of these
25 time limits, hereby waive same, and the parties agree by waiving

1 these limits, the following will apply. Her probation officer
2 must give the presentence report to the defendant, the
3 defendant's attorney, and the attorney for the government, at
4 least 24 days before sentencing. Delivery of an extra copy of
5 the presentence report to defendant's attorney constitutes giving
6 the report to the defendant.

7 Reviewing the report. Within 10 days after the report
8 is given, the attorney for the defendant must certify to the
9 probation officer the defendant has reviewed the presentence
10 report and consulted with the attorney regarding the report.

11 Objecting to the report. Within 10 days after the
12 presentence report is given, the parties must state in writing
13 any objections to the report. The parties must submit objections
14 to the probation officer and the opposing party.

15 Acting on objections. Within 10 days after the
16 presentence report is given, the parties must state in writing
17 any objections to the report, and the parties must submit
18 objections to the probation officer and the opposing party.

19 Acting on objections. Within 10 days after receiving
20 the objections, the probation officer may meet with the parties
21 to discuss the objections, investigate further, and revise the
22 presentence report as appropriate. And at least four days before
23 sentencing, the probation officer will submit the presentence
24 report, any revision of the report, and any addendum to the court
25 and the parties.

1 So do you understand that document?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Is that your signature on the document?

4 THE DEFENDANT: Yes.

5 THE COURT: All right. The Court will sign this
6 document approving this.

7 All right. And the plea agreement has been filed into
8 the record and the Court will accept that.

9 So have you discussed with your attorney the charges
10 you're about to plead guilty to?

11 THE DEFENDANT: Yes.

12 THE COURT: Let me get your superseding indictment
13 again. Get all my apples up here.

14 All right. You're about to plead guilty to Count 1 and
15 2 of your superseding indictment. Count 1 states that on or
16 about June the 19th, 2007, in the Western District of Texas, that
17 you and others, aided and abetted, unlawfully, knowingly,
18 intentionally possessed with intent to distribute a controlled
19 substance, which involved 50 kilograms or more of
20 methamphetamine, in violation of Title 21, United States Code,
21 Section 841(a)(1), 841(b)(1)(A), and Title 18, United States
22 Code, Section 2.

23 Do you understand what you're being charged with in
24 Count 1?

25 MS. YOUNG: I believe the Court said kilograms. It's

1 50 grams, unless there's a typo. Fifty grams or more.

2 THE COURT: All right. It is 50 grams. What did I
3 say?

4 MS. YOUNG: I think you said kilograms.

5 THE DEFENDANT: Fifty kilograms.

6 MS. YOUNG: Because the last case -- the last case was
7 a marihuana case, but this one's 50 grams.

8 THE COURT: All right. Sorry about that. The actual
9 meth of 50 grams or more.

10 Do you understand what you're being charged with in
11 Count 1?

12 THE DEFENDANT: With the grams, yeah.

13 THE COURT: Okay. It's more than 50. All right.

14 Your full range of punishment is up to 10 year --
15 minimum of 10 years to life, up to a \$10 million fine, a minimum
16 of five years supervised release up to life supervised release,
17 and \$100 special assessment.

18 Do you understand your full range of punishment on
19 Count 1?

20 THE DEFENDANT: Yes.

21 THE COURT: Count 2 states that on or about June the
22 19th, 2017, in the Western District of Texas, that you and
23 others, aided and abetted, did intentionally and knowingly
24 possess firearms, to-wit: a .38 Special Taurus revolver, a Ravens
25 Arm, .25 automatic handgun, Jimenez .380 caliber handgun, a Colt

1 1911 handgun, a .45 caliber, CN -- and a CN Romarm AK 7.62-by-39,
2 and an AR-15, bearing Serial No. 15188305, in furtherance of such
3 violation, furtherance of the drug-trafficking crimes set forth
4 in Count 1 of the indictment, which defendant counts are
5 incorporated by reference hereto as set forth in Title 18, United
6 States Code, Section 924(c) and Title 18, United States Code,
7 Section 2.

8 Do you understand what you're being charged with in
9 Count 2?

10 THE DEFENDANT: Yes.

11 THE COURT: I believe Count 2 is a mandatory five years
12 imprisonment to run consecutive with your sentence in Count 1.

13 Do you understand that?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Up to three years of supervised release and
16 \$100 special assessment.

17 So do you understand your full range of punishment on
18 Count 2?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Now, the sentence in your case will be
21 determined by the district judge. The district judge in doing so
22 will consider the sentencing guidelines that are established by
23 the United States Sentencing Commission.

24 Have you had an opportunity to discuss with your
25 attorney how the sentencing guidelines might affect your case?

1 THE DEFENDANT: Yes.

2 THE COURT: Now, I understand, Ms. Young, that this
3 plea has been taken after the plea agreement; is that -- after
4 the deadline on the plea agreement.

5 MS. YOUNG: That is correct, your Honor. The plea
6 deadline -- and I don't recall the specific date, but it was the
7 last date that we were in court. The plea deadline was extended
8 a couple of times by Mr. Parras to see if negotiations. But once
9 negotiation failed, the plea deadline has passed, and the Court
10 has warned Ms. Gallegos of that occurrence. And so, acceptance
11 of responsibility will be solely at the discretion of the Court,
12 but it has passed.

13 THE COURT: All right. Do you understand, Ms.
14 Gallegos, that you were informed that the plea agreement you
15 entered into was beyond the plea agreement, viewed as untimely,
16 and that while you and your attorney may argue to the district
17 court for acceptance of responsibility at sentencing, there's no
18 guarantee that you will receive such credit and that you
19 understand -- do you understand that?

20 MR. ECKMAN: One moment, your Honor.

21 THE COURT: You bet.

22 MR. ECKMAN: Thank you, your Honor.

23 THE COURT: All right. Do you understand that, Ms.
24 Gallegos?

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: And do you still wish to plead guilty to
2 Count 1 and 2 of your superseding indictment?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Now, in your case, there's a mandatory
5 minimum penalty of imprisonment prescribed by statute, and a
6 higher mandatory minimum penalty may be recommended after
7 application of the guidelines to your case. By law, you cannot
8 receive probation.

9 Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: There's no longer any possibility of parole
12 under federal law. Any imprisonment you receive's the time you
13 will serve less credit for good time.

14 Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: The Court also has the authority to assess
17 a fine in your case.

18 Do you understand that, Ms. Gallegos?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Ms. Young, is there any type of restitution
21 or anything?

22 MS. YOUNG: There's no restitution that I'm aware of at
23 this time, your Honor.

24 THE COURT: All right. Now, Ms. Gallegos, again,
25 you're looking at a term of supervised release is the term of

1 supervision which must be served after you complete your term of
2 imprisonment. On Count 1, you're looking at five years to life
3 of supervised release. Count 2, up to three years of supervised
4 release.

5 Do you understand that?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: While on supervised release, you will be
8 required to comply with various conditions. Failure to comply
9 with any of those conditions could result in revocation of your
10 supervised release. If your supervised release is revoked, you
11 may be required to serve an additional term of imprisonment equal
12 to the term of supervised release to which you were sentenced.

13 Do you understand that?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: In addition, you will not receive credit
16 for any time that you've already served on the term of supervised
17 release, in the event the Court revokes it.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Under the Victims of Crime Act, you'll be
21 required to pay a \$100 special assessment. This is in addition
22 to any restitution and/or fine the Court may impose and is
23 payable immediately after sentencing. Now, that's two counts, so
24 you're looking at \$200 special assessment.

25 Do you understand that?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: All right. Now, before taking your guilty
3 plea, there are a number of rights I must advise you of. As we
4 go through these rights, if you do not understand what I'm
5 saying, you may ask me to repeat it or you may stop and talk to
6 your attorney about it.

7 Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: Have you had enough time to fully discuss
10 your case with your attorney and any possible defenses you might
11 have to the charges?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Are you satisfied with your attorney's
14 representation of you?

15 THE DEFENDANT: Yes.

16 THE COURT: You have a right to plead not guilty to
17 these charges.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Now, you're also entitled to a trial by
21 jury.

22 Do you understand that very important constitutional
23 right?

24 THE DEFENDANT: Yes.

25 THE COURT: At the trial and at every stage of the

1 proceedings against you, you have the right to the assistance of
2 your attorney.

3 Do you understand that?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: At the trial, you'd be presumed to be
6 innocent. The government's required to prove your guilt beyond a
7 reasonable doubt on each element of the indictment by competent
8 evidence before you can be found guilty. You never have to prove
9 you're innocent.

10 Do you understand that?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: In the course of the trial, you would have
13 the right to confront and cross-examine any witnesses the
14 government has against you. You would have the right to testify
15 or to remain silent during this trial. No guilt can be found
16 from the fact that you did not testify.

17 Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: If you plead guilty, you will give up your
20 right to a trial and the other rights I've just covered, and
21 there will be no further trial. The district judge, after
22 accepting your guilty plea, will then sentence you on the basis
23 of your guilty plea based on that presentence report.

24 Do you understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: All right. Understanding that you have
2 that right to a trial by jury and you're waiving that trial by
3 jury; is that correct?

4 THE DEFENDANT: Yes.

5 THE COURT: All right. I'll ask, Ms. Young, if you'll
6 read Count 1 from your indictment -- or superseding indictment
7 and we'll take your plea.

8 MS. YOUNG: Count 1, that on or about June 19th, 2017,
9 in the Western District of Texas, the defendant, Sara Eugenia
10 Gallegos, aided and abetted by Emilio Turrubiarte, Jr., and
11 others, unlawfully, knowingly and intentionally possessed with
12 intent to distribute a controlled substance, which offense
13 involved 50 grams or more of actual methamphetamine, in violation
14 of Title 21, United States Code, Sections 841(a)(1) and
15 841(b)(1)(A), and Title 18, United States Code, Section 2.

16 THE COURT: All right. Ms. Gallegos, did you
17 understand the charge contained in Count 1 of your superseding
18 information as read by the U.S. Attorney?

19 THE DEFENDANT: Yes.

20 THE COURT: How do you plead to Count 1 of your
21 superseding information, guilty or not guilty?

22 THE DEFENDANT: Guilty.

23 THE COURT: Listen carefully as the U.S. Attorney reads
24 the factual basis in your Count 1.

25 MS. YOUNG: Had this case gone to trial, the United

1 States would be prepared to prove the following facts beyond a
2 reasonable doubt:

3 On Sunday, June 19th, 2017, Detective Garcia and other
4 officers with Midland Police Department met with a cooperating
5 source. The cooperating source advised that he or she knew a
6 male by the name of Emilio Turrubiardez and stated that
7 Turrubiardez sold large quantities of methamphetamine. Through
8 further investigation, Turrubiardez was identified as Emilio
9 Turrubiardez, Jr. and confirmed with the CS. A check of
10 Turrubiardez through NCIC/TCIC showed that he had an outstanding
11 felony warrant for felon in possession of a firearm out of the
12 Dallas-Fort Worth area.

13 Later the same day, the CS made contact with
14 Turrubiardez, and he, Turrubiardez, advised that he would be en
15 route to the West Texas Inn and Suites, located at 1000 West
16 Interstate 20 frontage, in order to deliver three ounces of
17 methamphetamine. As Turrubiardez pulled in the parking lot, he
18 made contact with the CS and advised that he arrived and was in a
19 green truck. Surveillance was maintained on Turrubiardez and the
20 passenger, who was later identified as Sara Gallegos. The
21 vehicle was identified as a green Chevrolet pickup. Turrubiardez
22 parked on the west end of the hotel and exited the vehicle.
23 Detectives observed Turrubiardez fidgeting around in the back
24 portion of the truck. Detectives at this time called a marked
25 city of Midland patrol unit to make contact with Turrubiardez and

1 the passenger.

2 Officer J. Claire and Officer Poe arrived in the
3 parking lot to take Turrubiardez into custody for his outstanding
4 warrant. Officer Claire made contact with Turrubiardez and
5 observed a loaded .38 Special Taurus revolver in Turrubiardez's
6 front waistband. As Officer Claire removed the firearm from
7 Turrubiardez's waistband, a baggy containing three individual
8 baggies of suspected methamphetamine was also discovered.

9 While Officer Poe was trying to get Gallegos to exit
10 the vehicle by giving multiple verbal commands demanding so,
11 Gallegos finally began to exit the vehicle, and Detective Garcia
12 approached the vehicle to assist. Gallegos took an extended
13 period of time before she finally complied and exited the
14 vehicle. Officers ordered Gallegos to her knees and placed her
15 in handcuffs. And at this time, Detective Garcia was advised
16 what was located on Turrubiardez. Officers and detectives did a
17 probable cause search on the vehicle and discovered several more
18 items of contraband.

19 A search of Gallegos' purse led to the discovery of a
20 large amount of United States currency, \$4,342 with the majority
21 of it in rubber bands, two small baggies containing
22 methamphetamine, approximately 6.2 grams, and three pistols. The
23 pistols were identified as a loaded Raven Arms, .25 auto, a
24 Jimenez .380 caliber, and a Colt 1911, .45 caliber. Detective
25 Garcia read Gallegos the Miranda warnings, and Gallegos advised

1 that she understood her rights and provided a statement.
2 Gallegos advised that she and Turrubiardez drove from Fort Worth
3 to Post, Texas and then, on to Midland, Texas to make contact
4 with a female. Gallegos admitted that she smoked methamphetamine
5 along the way to Midland due to drowsiness. Gallegos claimed
6 that she obtained the methamphetamine located in her purse from
7 Turrubiardez and it was only a small quantity. Gallegos stated
8 that she and Turrubiardez came to Midland because they were going
9 to a ranch to shoot guns with their friends. Detective Garcia
10 asked Gallegos if she possessed any firearms, and she advised she
11 owned the small guns located in her purse. Gallegos initially
12 claimed that Turrubiardez must have put the methamphetamine in
13 her purse but, later, admitted that her fingerprints would be on
14 the bags. Gallegos stated she was giving Turrubiardez a ride
15 because his car broke down.

16 Officers continued the search of the vehicle and
17 located a large amount of ammunition and two rifles. The rifles
18 were located in the toolbox of the truck and identified as a CN
19 Romarm AK 7.62-by-39 and an AR-15. Additionally, officers
20 located 91.6 grams plus or minus 3.5 grams of actual
21 methamphetamine in the vehicle. Gallegos admits she, along with
22 Turrubiardez, possessed the actual methamphetamine with the
23 intention to distribute it in Midland, Texas.

24 THE COURT: Did you understand that factual basis as
25 read by the U.S. Attorney?

1 THE DEFENDANT: Excuse me?

2 THE COURT: Did you understand that factual basis?

3 THE DEFENDANT: Yes.

4 THE COURT: As read by the U.S. Attorney?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Was it accurate, true and correct?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Is that what you did?

9 THE DEFENDANT: Yes.

10 THE COURT: All right. Listen carefully while the U.S.
11 Attorney reads Count 2 from your superseding indictment.

12 MS. YOUNG: Count 2 alleges that on or about June 19th,
13 2017, in the Western District of Texas, Sara Eugenia Gallegos,
14 aided and abetted by Emilio Turrubiarte, Jr. and others, did
15 intentionally, knowingly possess firearms, to-wit: a 38 Special
16 Taurus revolver, Raven Arms, .25 automatic, a Jimenez, .380
17 caliber, a Colt 1911, .45 caliber, a CN Romarm, AK 7.62-by-39,
18 and an AR-15, bearing Serial No. 15188305, in furtherance of the
19 drug-trafficking crime set forth in Count 1 and 3 of this
20 indictment, which drug-trafficking counts are incorporated by
21 reference herein as set forth in full, in violation of Title 18,
22 United States Code, Section 924(c) and Title 18, United States
23 Code, Section 2.

24 THE COURT: Ms. Gallegos, did you understand the charge
25 contained in Count 2 of your superseding information?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Read by the U.S. Attorney?

3 THE DEFENDANT: Yes.

4 THE COURT: How do you plead to Count 2 of your
5 superseding information, guilty or not guilty?

6 THE DEFENDANT: Guilty.

7 THE COURT: Listen carefully while the U.S. Attorney
8 reads the factual basis for Count 2.

9 MS. YOUNG: And, your Honor, the factual basis would be
10 the same; it's just recited as listed in the plea agreement.

11 THE COURT: Okay. Did you understand that, Ms.
12 Gallegos?

13 THE DEFENDANT: Yes.

14 THE COURT: Is that what you did?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. It was accurate, true and
17 correct; is that correct?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Ms. Gallegos, are you pleading guilty
20 freely and voluntarily?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you believe you're guilty of these
23 charges?

24 THE DEFENDANT: Yes.

25 THE COURT: Has anyone threatened you or forced you in

1 any way to get you to plead guilty?

2 THE DEFENDANT: No.

3 THE COURT: Has anyone made any kind of promise to you
4 other than your plea agreement that's caused you to plead guilty?

5 THE DEFENDANT: No.

6 THE COURT: Has anyone made any promise or prediction
7 to you as exactly what your sentence will be?

8 THE DEFENDANT: No.

9 THE COURT: Do you have any question concerning the
10 charges or the facts?

11 THE DEFENDANT: No.

12 THE COURT: Ms. Gallegos, the Court makes the following
13 findings of fact and recommendation:

14 I find that you signed a written consent to plead
15 guilty before me. I find that you, after consultation with your
16 attorney of record, has knowingly and voluntarily consented to
17 the administration of the guilty plea and allocution as caused by
18 a United States Magistrate Judge, subject to the approval and
19 imposition of sentence by the district judge.

20 I find that you and the government have entered into a
21 plea agreement, which has been filed and disclosed in open court
22 pursuant to the Federal Rules of Criminal Procedure 11(c)(2).
23 Ms. Gallegos, I find that you're fully competent and capable of
24 entering an informed plea. I find that you're aware of the
25 nature of the charges and the consequences of the plea. And I

1 find that your plea of guilty is a knowing and voluntary plea,
2 supported by an independent basis in fact.

3 I will recommend to the district judge that he accept
4 your plea agreement. And I will recommend to the district judge
5 that you be finally adjudicated guilty of the offenses you've
6 pled guilty to.

7 Anything further, Ms. Young?

8 MS. YOUNG: Nothing further on behalf of the United
9 States, your Honor.

10 THE COURT: Mr. Eckman?

11 MR. ECKMAN: Nothing further, your Honor.

12 THE COURT: Ms. Gallegos, I wish you the very, very
13 best.

14 THE DEFENDANT: Thank you.

15 (Proceedings concludes at 4:45 p.m.)
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REPORTER'S CERTIFICATE

I, LILY I. REZNIK, DO HEREBY CERTIFY THAT THE FOREGOING WAS
TRANSCRIBED FROM AN ELECTRONIC RECORDING MADE AT THE TIME OF THE
AFORESAID PROCEEDINGS AND IS A CORRECT TRANSCRIPT, TO THE BEST OF
MY ABILITY, MADE FROM THE PROCEEDINGS IN THE ABOVE-ENTITLED
MATTER, AND THAT THE TRANSCRIPT FEES AND FORMAT COMPLY WITH THOSE
PRESCRIBED BY THE COURT AND JUDICIAL CONFERENCE OF THE UNITED
STATES.

/s/Lily I. ReznikAugust 20, 2018

LILY I. REZNIK

DATE